

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS

Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	199-BR-89	
	Date:	March 17, 1989	
Claimant:	Josephine Brunner	Appeal No.:	8813432
		S. S. No.:	
Employer:		L. O. No.:	15
		Appellant:	CLAIMANT
Issue:	Whether the claimant was able to work, available for work and actively seeking work within the meaning of Section 4(c) of the law.		

— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

April 16, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

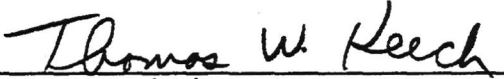
Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.

The Board agrees with the Hearing Examiner that the claimant is severely limiting the area in which she is looking for work, to the point where she cannot be said to be reasonably available for work. The claimant did, however, early in her claim series, visit at least ten establishments in this limited area. The work she was seeking at the time was compatible with her previous work experience. She personally called on at least two such establishments per week in her search for work. In the light of these facts, the Board concludes that the claimant was reasonably available for work for five weeks. After that period of time, she had exhausted any reasonable possibilities of finding employment in that area, and her failure to expand her work search area resulted in her being unavailable for work under Section 4(c) of the law after that date.

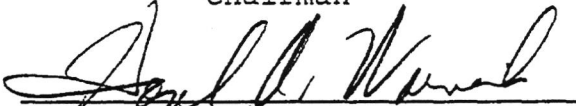
DECISION

The claimant was available for work under Section 4(c) of the Maryland Unemployment Insurance Law for the weeks beginning November 13, 20, 27 and December 4 and 11, 1988. Beginning with the week beginning December 18, 1988, she was not available for work under Section 4(c) of the law. This disqualification shall continue until the claimant meets the availability requirements of the law.

The decision of the Hearing Examiner is modified.



Chairman



Associate Member

K:HW
kbm
COPIES MAILED TO:

CLAIMANT
UNEMPLOYMENT INSURANCE - WESTMINSTER
Recoveries - Room 413

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schafer
Governor

- DECISION -

Date: Mailed: 1/18/89
Claimant: Josephine Brunner Appeal No: 8813432
S.S. No.:
Employer: LO. No.: 015
Appellant: Claimant

Issue: Whether the claimant was able, and available, for work, within the meaning of Section 4(c) of the Law. Whether the claimant was overpaid benefits within the meaning of Section 1?(d) of the Law.

- NOTICE OF RIGHT TO PETITION FOR REVIEW -

ANY INTERESTED PARTY TO THE DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 518, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

2/2/89

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

NOTICE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL, ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

- APPEARANCES -

FOR THE CLAIMANT:

Josephine Brunner - Present

FOR THE EMPLOYER :

OTHER : HELEN HARRIS, CLAIMS SPECIALIST III (DEED)

FINDINGS OF FACT

The claimant has a benefit year effective April 3, 1988. Her last employment was with Westminster Nursing Home, of Westminster, Maryland, where she began September 27, 1988. She was performing duties as a housekeeper at \$4.55 per hour, at the time of her separation on November 3, 1988. The claimant has remained unemployed from November 3, 1988 until the present. The testimony reveals that the claimant was referred to the Job Service, but because she lacks no transportation, and is only looking for work in the Westminster area, the Job Service did not

feel that it was worth referring her to other jobs outside this immediate location.

The claimant does not have transportation and in her last job, she got there only because her neighbor went the same way. The only jobs that she is looking for are in the immediate Westminster area, where she can walk, in order to get to work. She estimates that her walking radius would be one mile from her house and in that one mile radius, there are very few places for employment. She has visited deli's and little restaurants in the area, and pizza parlors, in hopes of getting job. She has admittedly exhausted her market for employment in her area of search.

CONCLUSIONS OF LAW

It is concluded from the testimony, that the claimant is restricting her availability for work. She is only able to look for work within walking distance of her home, which she estimates as one mile. Within that one mile radius, there are very little chances of her finding employment, and therefore, she is not complying with Section 4(c) of the Law. The determination of the Claims Examiner will be affirmed.

DECISION

The claimant is not able and available for work, within the meaning of Section 4(c) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits for the week beginning November 13, 1988, and until she meets the requirements of the Law.

The determination of the Claims Examiner under Section 4(c) of the Law is affirmed.

Date of Hearing: 1/13/89
rch/Specialist ID: 15703/8507
Copies mailed 1/18/89 to:

Claimant
Unemployment Insurance - Westminster (MABS)

Recoveries - Room (413)